

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

R. PEACHER,)	
)	
Plaintiff,)	
)	
v.)	No. 1:20-cv-02997-JPH-DML
)	
MARTIAL KNIESER,)	
MICHAEL CONYERS,)	
HAROLD COUNCELLOR,)	
MATTHEW VANDINE,)	
)	
Defendants.)	

**ENTRY ON FAILURE TO SHOW CAUSE, SCREENING COMPLAINT,
AND DIRECTING ISSUANCE AND SERVICE OF PROCESS**

I. Procedural History

The plaintiff filed this action on November 16, 2020, dkt. 2, and filed an amended complaint three days later, dkt. 10. He alleges that he has nerve neuropathy in his face that causes pain if his face is not shaved, but using a straight or disposable razor exacerbates the pain. Dkt. 10 at 3. He further alleges he is being denied a medical order to have certain clippers made available to him. *Id.* This action was dismissed because the claims were determined to be the same as those brought in *Peacher v. Talbot, et al.*, 1:18-cv-3044-JRS-MJD (*Peacher I*), a case that was dismissed as a sanction for the plaintiff presenting a forged document. The Seventh Circuit Court of Appeals affirmed that dismissal. *Peacher v. Talbot*, No. 20-2060, 2021 WL 1055076 (7th Cir. March 19, 2021) ("The court responded reasonably to Peacher's deceit, so we affirm.").

On March 22, 2021, the Court granted the plaintiff's motion to reconsider and directed that this case be reopened. Dkt. 18. The Court allowed this action to proceed "to the extent it is based on facts that occurred after April 30, 2020, the date *Peacher I* was dismissed with prejudice." *Id.*

at 2. In addition, the plaintiff was ordered to show cause why the remedy should not be limited to equitable relief. *Id.* In his response to the order to show cause, the plaintiff continues to insist that he did not forge the memo and he blames recruited counsel for not requesting a hearing. Dkt. 19. At the time he filed his response, he also hoped the dismissal would be reversed on appeal. *Id.* The order to show cause was not an invitation to relitigate *Peacher I*, and the dismissal as a sanction has been affirmed on appeal. In short, the plaintiff has failed to show cause why this action should not be limited to equitable relief. Therefore, the limitations as to the available time period and form of relief set forth in the Entry of March 22, 2021, **are in effect**. Dkt. 18.

II. Screening of Complaint

In his amended complaint filed on November 19, 2020, the plaintiff names five defendants: 1) Dr. Martial Knieser; 2) Dr. Pierce; 3) Michael Conyers; 4) Captain Harold Councillor; and 5) Lt. Matthew Vandine. Dkt. 10. The allegations in the amended complaint are set forth above.

The plaintiff alleges that Dr. Knieser cancelled a medical order that had allowed the plaintiff to be shaved by a barber three times a week, and has provided no alternative means of treatment for the pain. He alleges that Dr. Pierce, Regional Medical Director, instructed and pressured Dr. Knieser to cancel the medical order, knowing that the plaintiff would experience pain in doing so. Barbershop Supervisor Conyers has refused to assist the plaintiff in obtaining shaves from a barber. Captain Councillor and Lt. Vandine also refused to help the plaintiff obtain shaves and pressured Dr. Knieser to cancel the medical order. The plaintiff alleges that the defendants have disregarded his pleas for help with his pain.

The plaintiff's claims of deliberate indifference to a serious medical condition **shall proceed** against all five defendants. Again, any allegations of misconduct that pre-date April 30, 2020, will not be considered in this action. The only relief available is equitable.

III. Service of Process

The clerk is directed pursuant to *Fed. R. Civ. P.* 4(c)(3) to issue process to defendants Dr. Martial Knieser, Dr. Pierce, Michael Conyers, Captain Harold Councillor, and Lt. Matthew Vandine in the manner specified by *Fed. R. Civ. P.* 4(d). Process shall consist of the amended complaint (docket 10), applicable forms (Notice of Lawsuit and Request for Waiver of Service of Summons and Waiver of Service of Summons), and this Entry.

The **clerk is directed** to add **Dr. Pierce** as a defendant on the docket.

SO ORDERED.

Date: 4/9/2021



James Patrick Hanlon
United States District Judge
Southern District of Indiana

Distribution:

R. PEACHER
881627
PENDLETON CORRECTIONAL FACILITY
Electronic Service Participant – Court Only

Electronic service to:

Michael Conyers
Captain Harold Councillor
Lt. Matthew Vandine at Pendleton

Dr. Martial Knieser
MEDICAL EMPLOYEE
Pendleton Correctional Facility
4490 West Reformatory Road
Pendleton, IN 46064

Dr. Pierce
MEDICAL EMPLOYEE
Pendleton Correctional Facility
4490 West Reformatory Road
Pendleton, IN 46064